



Department of Energy

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OCT 07 1994

94-DOE-10685

Mr. Martin Hestmark  
U. S. Environmental Protection Agency, Region VIII  
ATTN: Rocky Flats Project Manager, 8HWM-RI  
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Denver, Colorado 80202-2405

**BEST AVAILABLE COPY**

Mr. Joe Schieffelin, Unit Leader  
Hazardous Waste Control Program  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80222-1530

Gentlemen:

The Department of Energy proposes the attached draft resolution for the Operable Unit No. 9 dispute. We are prepared to sign this document. If it is satisfactory, please call me and I will execute a final copy.

If you have any questions or comments, please contact me at 966-4839.

Sincerely,

Steven W. Slaten  
IAG Project Coordinator  
Environmental Restoration

Enclosure

**ADMIN RECORD**

A-DU09-000361



Addressees  
94-DOE-10685

2.

OCT 07 1994

cc w/Enclosure:

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Draft Resolution by Interagency Agreement Project Coordinators of OU 9 Dispute  
October 7, 1994

**Issues:**

The approved Operable Unit (OU) 9 Work Plan (Section 7.1) indicated that tanks and pipelines which are active waste management units would not be included in the scope of work because these structures and associated soils would be addressed at the time of closure in accordance with the Resource Conservation and Recovery Act (RCRA) Part B Permit Application. The work plan also indicated that some units could not practically be investigated at this time due to the potential for disruption of Rocky Flats Plant operations.

The proposed investigation in the Draft Final Technical Memorandum 1 (TM) that discussed the investigation of the OU 9 tanks included deferral of the investigation of actively permitted tanks such as T-24 and T-32. The TM also included deferral of investigation of the active unpermitted tanks such as T-8 and T-9 because investigation of these tanks would be disruptive of plant operations and wasteful of funds.

Colorado Department of Public Health and the Environment (CDPHE) subsequently disapproved the TM proposal to defer investigations of the T-8, T-9, T-24, and T-32 tanks. The Department of Energy (DOE), on September 8, 1994, invoked dispute resolution pursuant to Part 12 of the Interagency Agreement (IAG). The DOE disputed the decision of CDPHE based on the addition to the scope of work.

**Background:**

In 1980, the DOE submitted a protective RCRA Part A Application which included all of the tanks and pipelines in the Original Process Waste Lines (OPWL) system. The T-8, T-9, T-24, and T-32 tanks were included in that application by association with the OPWL. The T-8 and T-9 tanks were used for a variety of purposes including laundry and process water retention. This use ceased in the early 1980s and no RCRA closure was obtained for the tanks. The tanks are now used for plenum deluge retention in support of the plant vital safety systems.

The T-24 and T-32 tanks were used for process water retention and are still used for that purpose. These tanks were included in Revision O of the Rocky Flats Plant Part B Permit Application submitted to the regulatory agencies on or about November 26, 1986. The associated Part A Permit Application specifically identifies Unit 40, in particular Unit 40.20 through 40.26, which is Process Waste Tank, T-24. The Facility Description Section of the Part B Permit Application, Page I-125, identifies Unit 40.20 through 40.26 (T-24) and the associated below grade sump, which is T-32.

In accordance with the IAG, the Final Phase I RCRA Facility Investigation/Remedial Investigation (RFI/RI) Work Plan for OU 9, which includes all of the OPWL, was submitted to the regulatory agencies in February 1992 and was subsequently approved by those agencies. The work plan indicated that tanks and pipelines which are active waste management units would not be included in the scope of work because these structures and associated soils would be addressed at the time of closure in accordance with the RCRA Part B Permit Application (Section 7.1). The work plan also indicated that some units could not practically be investigated at this time due to the potential for disruption of Rocky Flats Plant operations.

The TM that discussed the investigation of the OU 9 tanks that are located outside of large buildings was submitted on March 15, 1994 to the regulatory agencies for review and

approval. CDPHE subsequently disapproved the proposed deferral of investigations of the T-8, T-9, T-24, and T-32 tanks.

The DOE on September 8, 1994 disputed the decision of CDPHE. The DOE, CDPHE and EPA held a dispute resolution meeting at the IAG Coordinator level on September 19, 1994. In that meeting DOE agreed to provide the permit status of the T-24 and T-32 tanks to CDPHE. These tanks were included in a permit application as evidenced in the attached documents. These documents were received by the regulatory agencies as evident by the date receipt stamps on letters and permits. Tanks T-24 and T-32 are currently operated under RCRA interim status and receive and are intended to continue receiving laboratory wastewater. Tanks T-24 and T-32 are part of the wastewater treatment system at the Rocky Flats Environmental Technology Site.

The DOE determined, as referenced in our letter of August 5, 1994, that the T-8 and T-9 tanks were included in a RCRA Part A application of 1980 and, thereby, had interim status. The DOE in the August 5 letter proposed to submit a closure plan and conduct a RCRA closure for these tanks. CDPHE, as referenced in their letter of August 22, 1994, "recognized that the Original Process Waste Lines and affiliated tanks are a complex system with a diverse regulatory history." CDPHE, in that letter, rejected the proposal by the DOE to conduct a RCRA closure of these tanks and took the position that the investigation of these tanks be conducted under the authority of the IAG.

#### Resolution:

As part of this resolution, DOE, CDPHE and EPA IAG Coordinators agree to the following:

1. The DOE submitted information to evidence the permit status and to demonstrate that tanks T-24 and T-32 were included in the permit application. No further action will be taken under the IAG for the T-24 and T-32 tanks at this time. The tanks will be closed under the IAG when the associated operations cease. These tanks, therefore, will not be subject to investigation and closure under the IAG at this time.
2. In accordance with the IAG, DOE will submit a plan to complete investigation of tanks T-8 and T-9 within 18 months of execution of this resolution. An 18 month period is necessary to allow continuation and prevent disruption of vital safety systems operations. The DOE Operations Division, therefore, will investigate contingencies for feasible alternative containment, if needed.

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Steve Slaten  
Interagency Agreement Coordinator, DOE

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Date

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Joe Schieffelin  
Unit Leader, CDPHE

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Date

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Martin Hestmark  
RFP Manager, EPA

\_\_\_\_\_  
Date